

CITY OF FITCHBURG CONSERVATION COMMISSION

MEETING MINUTES TUESDAY, JULY 26, 2016

COMMISSIONERS IN ATTENDANCE: John Koutonen, Tracy Sarefield, Harry Karis, Tom Starr, Mike Donnelly, Dennis DeGara, David Streb, John Cordio (assoc. member) (8)

STAFF IN ATTENDANCE: Mike O'Hara

CALL TO ORDER: Meeting called to order at 6:04 p.m. in the Community Room, Lower Level, Fitchburg Fire Headquarters, 33 North St.

PUBLIC HEARINGS

Notice of Intent - Jaffee, driveway in buffer zone, Sheldon Rd. (continued from June 28)

Hearing re-opened. Applicants Anna Jaffee & Lauren Slater present.

John K cautioned that Commission is only interested in the matters that are within the Commission's jurisdiction, not in other matters such as what is proposed outside the wetland buffer, etc.

Anna made presentation & went through a number of alternatives for driveway location & handed out printed copies of them. Reasons for why they were rejected were given. Her conclusion: the location of the existing cart road results in the least amount of new driveway, and would result in least impact to wetland. They plan to install an 18 in. diameter culvert under the driveway to connect the wet areas on either side.

Ralph Baker: Alternative #9 (driveway further to the east) could be made to be a more gradual slope than what was shown. It would still require some trees removed.

Atty. Atty. VanderSalm, representing the Halsteads, 455 Sheldon Rd. – Hearing cannot go forward b/c per the Commission's regulations, applicants needed to submit a waiver request from the 20-foot "no-disturb" zone along with the Notice of Intent. Their request was made after the NOI was submitted.

John: The Commission is taking in information, the hearing is still open.

Even Halstead, 455 Sheldon Rd. questioned that the existing driveway doesn't impact wetlands

John suggested that the Commission schedule another meeting in 7 days.

Mike D wants Commission to follow their own regulations. If the procedure needs to start over then that's what should happen. He tends to agree w/ Atty. VanderSalm's opinion.

Atty. Pusateri, City Solicitor suggested that the matter could be continued for two weeks.

Atty. VanderSalm suggested that the Commission could hire a 3rd party consultant.

Atty. Pusateri: If the Commission finds that the information presented is credible, then they need not consider an outside consultant.

Commission agreed to hold a special meeting Tuesday, August 9th at 6:00 p.m.

Anna said she is willing to file a new Notice of Intent.

Motion made & seconded to close hearing. Vote unanimous in favor.

Later, Commission agreed to change the date for a special meeting to Wednesday, August 17th at 6:00 p.m. The City Solicitor will be asked to attend.

Notice of Intent - Fournier, new driveway and installation of culverts in wetland & buffer zone, Fisher Rd. adjacent to #840 Fisher Rd.

Jamie Rheault, Whitman & Bingham presented plan & gave history of site. About ten years ago Brian Devellis had proposed and had approved a 20-lot subdivision here. The approvals have lapsed and the bank took the property back several years ago. Matt Fournier recently acquired it and is proposing to eventually split it into just two lots, one a house lot for himself, and later, another lot to hold onto for his family. He is also applying to the Planning Board for a common driveway special permit. Deep hole test passed, they will be installing septic.

NOI needed cause proposed driveway will be in the buffer zone, and there are also two narrow wetland crossings for the driveway. The two proposed dwellings will not be in the buffer.

An abutter comment: Two houses are better than 20, in the previous proposal.

Will utilities be underground? Undecided.

Driveway will remain gravel; if the applicant or his successor decided to pave the driveway, they will re-file. Applicant is OK w/ such a condition.

Wetlands delineation is same as on the 2005 subdivision plan. They will reflag wetlands in field.

Jamie suggested Tim walk the site w/ W&B.

Motion made & seconded to issue Order of Conditions, subject to:

- Tim's review of accuracy of the wetlands delineation
- Install silt fence & hay bales.

Vote 7-0 in favor.

Notice of Intent - Edgewater Homes, Inc., 0 Rindge Rd. (near McKay School) - sewer connection in Riverfront Area (continued from June 28)

Paul Graz reviewed plan revised 7/25/16. Only change was he added buffer zone to the wetlands across street that was recently flagged. He recapped the 1996 plan showing common driveway for all 8 lots on abutting parcels.

Tim: What about cumulative effect of development of the adjacent lots? What is the impact of the sewer connection to this one lot? Will it be extended to serve several adjacent lots?

Paul Graz: The sewer lateral is sized for only Lot 1. Sewer to the rest of the lots would require a larger diameter.

Motion made & seconded to issue Order of Conditions, subject to:

- Submittal of a site restoration performance bond, in an amount to be determined by DPW-Engineering to stabilize & restore the site, including regrading and loam & seed. Bond is to be used solely at the Commission's discretion, as needed to stabilize the site.
- Applicant to clean out two sets of catchbasins in Rindge Road.

Vote 7-0 in favor.

Notices of Intent (2) - Maki, Lots 11 & 12, and Lots 13 & 14 Arn-How Farm Rd., single-family dwellings and associated septic and driveway in wetland and Buffer Zone.

Bill Hannigan gave history of site. OOCs for house & septic on each of Lots 11-14 had been approved, but plan required acquiring an additional 70 feet of land (owned by Sumner) to be added to the rear of lots, never done. Approvals now lapsed. Abutting land has been acquired by Mass Fish & Game, so can't acquire the additional 70 feet. Revised plan splits property into two lots, with an approx. 300-foot long, 16-foot wide common driveway.

Delineation has been redone by Chuck Caron.

Grading for both dwellings & septic systems is in the buffer zone. The common driveway results in 3,900 sq. ft. of permanent wetland alteration. Will need a waiver of the 20-foot "no disturb" zone. Wetland replication of 4,292 sq. ft. is proposed. There is 560 sq. ft. of temporary wetland alteration for installation of water line from existing well on site to house. Total wetland disturbance will be less than 5,000 sq. ft.

Public comments: David Nickless – This a better use that the previous proposal, but some of previous conditions haven't yet been addressed, like replacing break in stone wall.

Motion made & seconded to issue OOC, with special condition that the previous break in stone wall at edge of Arn-How Farm Road would be restored. Vote 7-0 in favor.

OTHER BUSINESS:

Gale Associates - Fitchburg Airport Vegetation Management

Matt Caron, Gale Assocs. requested clarification from Commission – can vegetation management work starting soon be considered under the previous Vegetation Management Plan approved by the Commission. The Commission agreed that it could.

Revised plan - Shea Street Flood Hazard Mitigation, Phase II

Commission reviewed another revision of plan based on DEP comments. This time, to avoid needing to filing for a 401 Water Quality Permit and thus delaying the bid process, the amount of wetland disturbance was reduced to 980 sq. ft. (under the 1,000 s.f. filing threshold). The Commission signed an amended OOC. Work needs to be done by early 2017 to meet MEMA's (source of funds) deadline.

0 Crawford St. - #155-621 Greco Alonso, storage of repo vehicles – status

Greco Alonso had called earlier in the day, will be delayed b/c doctor's appt. Will put on next agenda.

Certificates of Compliance

Issued for 525 John Fitch Hwy., O'Reilly's Auto Parts.

Tracy expressed concern that the Commission should follow proper procedures and conduct meetings in a more orderly fashion.

Motion made & seconded to adjourn. Vote unanimous.

Meeting adjourned: 7:45 p.m.

Minutes approved: 8/30/16